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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,225	07/14/2005	Kenji Kono	81887.0128	3354
26/021 7590 08/04/2010 Hogan Lovells US LLP 1999 AVENUE OF THE STARS SUITE 1400 LOS ANGELES, CA 90067				
EXAMINER HO, HUY C				
ART UNIT 2617		PAPER NUMBER		
NOTIFICATION DATE 08/04/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/542,225

Applicant(s)

KONO, KENJI

Examiner

HUY C. HO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/26/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 12, 14, 15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12, 14-15, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/23/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Pre-Brief Conference request filed on 01/26/2010, PROSECUTION IS HEREBY REOPENED. New ground of rejection is set forth below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7-10, 14-15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Cuffaro et al. (US Patent No. 5,999,814).

Regarding claim 1 (Previously presented), Cuffaro teaches a wireless communication terminal (Cuffaro, the abstract), comprising:

a measurement section that measures quality of a signal transmitted from a base station (Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11, *signal strength is measured from a cell*);

a determination section that determines whether or not handoff is to be performed based on a measurement result of the measurement section and a criterion of the determination of the handoff (Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11, *determining for handoff based on the measured signal strength and determining whether the signal strength is above a safe threshold value to preventing oscillating handoffs back and forth*); and

a handoff section that performs the handoff based on a determination result of the determination section (Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67,

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col 7 lines 1-11, determining for handoff based on the measured signal strength and determining whether the signal strength is above a safe threshold value to preventing oscillating handoffs back and forth);

wherein the determination section determines whether the handoff section has performed a predetermined repetition pattern of handoffs, and changes the criterion of the determination of the handoff if it is determined that the handoff section has performed the predetermined repetition pattern of handoffs (*Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11, determining for handoff based on the measured signal strength and determining whether the signal strength is above a safe threshold value to preventing oscillating handoffs back and forth*).

Regarding claim 7, (Previously presented) A handoff determination method of a wireless communication terminal which performs wireless communication using each of a first communication method and a second communication method and enables to be in an idle state condition with both methods, the handoff determination method comprising the steps of:

measuring quality of a signal transmitted from a base station (*Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11, determining for handoff based on the measured signal strength*);

determining whether or not a handoff is to be performed based on a measurement result and a criterion of the determination of the handoff (*Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11, determining for handoff based on the measured signal strength and determining whether the signal strength is above a safe threshold value to preventing oscillating handoffs back and forth*);

performing the handoff based on a determination result (*Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11*);

determining whether the handoff section has performed a predetermined repetition pattern of handoffs (*Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11, determining for handoff based on the measured signal strength and determining whether the signal strength is above a safe threshold value to preventing oscillating handoffs back and forth*); and

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changing the criterion of the determination of the handoff if it is determined that the handoff section has performed the predetermined repetition pattern of handoffs (*Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11, determining for handoff based on the measured signal strength and determining whether the signal strength is above a safe threshold value to preventing oscillating handoffs back and forth*).

Regarding claim 17, (Previously presented) A wireless communication terminal comprising:

a measurement section that measures quality of a signal transmitted from a base station (*Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11, determining for handoff based on the measured signal strength*);

a determination section that determines whether or not handoff is to be performed based on a measurement result of the measurement section and a criterion of the determination of the handoff (*Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11, determining for handoff based on the measured signal strength and determining whether the signal strength is above a safe threshold value to preventing oscillating handoffs back and forth*);

a handoff section that performs the handoff based on a determination result of the determination section (*Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11, determining for handoff based on the measured signal strength and determining whether the signal strength is above a safe threshold value to preventing oscillating handoffs back and forth*);

a detection section that detects a time period during which a pilot signal is acquired (*Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11, determining for handoff based on the measured signal strength and determining whether the signal strength is above a safe threshold value to preventing oscillating handoffs back and forth*); and

a change section that when a handoff is performed so that an acquired pilot signal is switched to return to a same pilot signal, changes the criterion of the determination of the handoff based on a detected time period during which a preceding pilot signal before returning to the same pilot signal is acquired (*Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11,*

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determining for handoff based on the measured signal strength and determining whether the signal strength is above a safe threshold value to preventing oscillating handoffs back and forth).

Regarding claim 18, (Previously presented) A handoff determination method comprising:

measuring quality of a signal transmitted from a base station (Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11, determining for handoff based on the measured signal strength);

determining whether or not a handoff is to be performed based on a measurement result and a criterion of the determination of the handoff performing the handoff based on a determination result (Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11, determining for handoff based on the measured signal strength and determining whether the signal strength is above a safe threshold value to preventing oscillating handoffs back and forth);

detecting a time period during which a pilot signal is acquired (Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11);

when a handoff is performed so that an acquired pilot signal is switched to return to a same pilot signal, changing the criterion of the determination of the handoff based on a detected time period during which a preceding pilot signal before returning to the same pilot signal is acquired (Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11, determining for handoff based on the measured signal strength and determining whether the signal strength is above a safe threshold value to preventing oscillating handoffs back and forth).

Regarding claims 2, 8, (Original) The wireless communication terminal according to claims 1, 7, wherein the determination section changes the criterion of the determination of the handoff when a predetermined repetition of two pilot signals is acquired (Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11, determining for handoff based on the measured signal strength).

Regarding claims 3, 9, (Original) The wireless communication terminal according to claims 2, 8, wherein when qualities of the two pilot signals acquired repeatedly are equal to or greater than a predetermined value, the criterion of the determination of the handoff is changed (Cuffaro, col 1 lines

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15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11, determining for handoff based on the measured signal strength and determining whether the signal strength is above a safe threshold value to preventing oscillating handoffs back and forth).

Regarding claims 4, 10, (Original) The wireless communication terminal according to claims 1, 7, further comprising:

a detection section that detects time during which a preceding pilot signal is acquired every time handoff is performed, wherein the determination section changes the criterion of the determination of the handoff based on the time detected by the detection section (*Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11*).

Regarding claims 14, 15, (Previously presented) The wireless communication terminal according to claims 1, 7, wherein the predetermined repetition pattern of handoffs is a return handoff (*Cuffaro, col 1 lines 15-67, col 2 lines 1-67, col 3 lines 1-15, col 6 lines 40-67, col 7 lines 1-11*).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cuffaro et al.* (US Patent No. 5,999,814) and further in view of *Yun et al.* (US Patent No. 7,016,323).

Regarding claims 6, 12, (Currently amended) The wireless communication terminal according to any one of claims 1 to 4, 7 to 10.

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Cuffaro does not teach CDMA2000 1x and 1xEVDO. Yun, in an analogous art, teaches method and system handling handoff for mobile stations in CDMA2000 1x and 1xEVDO (*see Yun, col 11 lines 9-50*), therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify teachings of Cuffaro by incorporating teachings of Yun of system and method for implementing handoffs for mobile stations in cell areas of base stations in CDMA2000 1x and 1xEVDO systems as discussed by Yun (*see Yun, col 1 lines 20-67, col 2 lines 1-67*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY C. HO whose telephone number is (571)270-1108. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Huy C Ho/
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/Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2617